
FAYETTE COUNTY PLANNING & ZONING DEPARTMENT

140 Stonewall Avenue West, Suite 202

Fayetteville, Georgia 30214

(770)460-5730, ext. 5419

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www.fayettecountyga.gov

APPLICATION TO

THE ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS MEMBERS*

Larry Blanks
Tom Mahon
\$3.00
Bill Beckwith

Ron Mabra
Vic Bolton

COPIES OF ORDINANCES

(at Zoning Department, Suite 202)

Zoning Ordinance \$5.00
Sign Ordinance

Development Regulations
\$3.00

Subdivision Regulations \$3.00

*(ZBA Members reside in Fayette County and
are appointed by the Board of Commissioners)

Application requests require a public hearing by the Zoning Board of Appeals (held on the 4th Monday of every month). Application forms must be submitted to the Zoning Administrator by noon on the deadline day. The application deadline is the third Friday of the month prior to the month of the public hearing. The Public hearing is held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of Hwy 54 and GA 85 in downtown Fayetteville) First Floor in the Public Meeting Room (near the fountain) and begins at 7:00 p.m.

Note: Applications must be filed by the subject property owners or by the authorized agent of the property owners.

APPLICATION FILING FEES

Application Filing Fee: **\$175.00** (plus \$25 for each additional variance requested)

Sign Deposit Fee: **\$20.00** per sign A public hearing notification sign is required for each road frontage. The sign deposit of \$20.00 per sign shall be requisitioned for reimbursement to the applicant upon their returning the sign frame(s) to the Zoning Department within five (5) working days following the public hearing.

The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County. Application filing fees may be refunded ONLY when an application request is withdrawn by applicant PRIOR TO placement of legal advertisement for said public hearing request).

HEARING SCHEDULE FOR 2008-2009 ZONING BOARD OF APPEALS APPLICATIONS

(*Dates are subject to change with notice. If a hearing falls on a holiday, a new hearing date will be announced)

APPLICATION DEADLINE (3rd Friday by noon)
(No extensions of deadline are permitted)

HEARING DATE (4th Monday)

submit by . . . November 16, 2007 to be heard by December 17, 2007

December 21

January 28, 2008

January 18, 2008

February 25

February 15

March 24

March 21

April 28

April 18

May 19 (change from May 26 due to holiday)

May 16

June 23

June 20

July 28

July 18

August 25

August 15

September 22

September 19

October 27

October 17

November 24

November 21

December 22

December 19

January 26, 2009

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

- _____ A. Application form and all required attachments, completed, signed, and notarized (if applicable).
- _____ B. Copy of latest recorded Warranty Deed, including legal description of the boundaries of the subject property, including total acreage.
- _____ C. Fifteen (15) copies of the Plat of property, drawn to scale with accurate dimensions, with the following indicated:

 - _____ 1. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential, non-residential), floor area, building height, and accessory uses. Structures to be removed must be indicated and labeled as such unless demolition or removal will occur prior to applying for a building permit.
 - _____ 2. Minimum setbacks from all property lines of subject property required in the zoning district.
 - _____ 3. Location and dimensions of exits/entrances to the subject property.
 - _____ 4. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of right-of-way, type and width of existing and proposed easements and centerline of streets.
 - _____ 5. Location of well or water lines.
 - _____ 6. Existing septic tank and drainfield location, and replacement area.
 - _____ 7. Approximate location and elevation of the 100-year flood plain (if applicable).
 - _____ 8. On-site stormwater facilities to include detention or retention facilities.
 - _____ 9. Parking locations, approximate number of parking spaces, area for parking bay and aisle dimensions.
 - _____ 10. Landscaped areas and buffers or tree save areas, to include width, general extent and type of materials.
- _____ D. Application filing fee.

**APPLICATION TO
THE ZONING BOARD OF APPEALS**

PROPERTY OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ **FAX:** _____

PROPERTY LOCATION: LAND LOT _____ **LAND DISTRICT** _____ **PARCEL** _____

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: _____

ZONING DISTRICT: _____

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: _____

PROPOSED USE OF SUBJECT PROPERTY: _____

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** _____

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from _____ a check in the amount of \$ _____

for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded Warranty Deed for the subject property:

Please Print Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) _____ of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as **(my) (our)** Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of **(my) (our)** knowledge and belief. Further, **(I) (We)** understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. **(I) (We)** understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. **(I) (We)** further acknowledge that additional information may be required by Fayette County in order to process this application.

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

Per Article IX of the Fayette County Zoning Ordinance, the Zoning Board of Appeals may hear requests for any of the following. *Please check [✓] which application type you are requesting in the box below:*

- [] 1) Appeals from the Actions of the Zoning Administrator: Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, an appeal shall lie with the Zoning Board of Appeals. Appeals must be made within 30 days from the date of notification of decision by Zoning Administrator.
- [] 2) Request for a Variance: A variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the regulation shall be observed, public safety and welfare secured, and substantial justice done.
- [] 3) Request for a Change of the Nonconforming Use of a Structure: Nonconforming uses of structures include structures used, at the time of passage of this Ordinance (11/13/1980), for purposes not permitted in the zoning district in which they are located.
- A nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.
- A nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- [] 4) Request for Extension or Enlargement of the Nonconforming Use of a Structure: An extension of an existing nonconforming use upon a finding by the Board that (1) the use is a nonconformance as defined in the regulations, (2) the use is in full compliance with all requirements of the regulations applicable to nonconformances, and (3) the extension of said use will not further injure a permitted use on adjacent property in the same zoning district.
- If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended, provided that the minimum requirements for height, floor area, and yards and any other applicable requirements are met.
- [] 5) Request for Continuance of Nonconformance: The Board may allow a nonconformance to be re-established after discontinuance for six (6) consecutive months where it is deemed by the Board that: (1) the design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the nonconformance is situated; (2) undue hardship to the property owner would result in not allowing the continuance of a nonconformance; (3) adjacent property would not be unduly damaged by such continuance; and (4) the use is to be identical to the prior nonconformance.

*Where an application to the Board is initiated due to an **existing violation** of the Zoning Ordinance and said application is DENIED by the Zoning Board of Appeals, the violation shall be required to be **corrected within TEN (10) days** of such denial or as specified by the Board if a greater time period is necessary. The maximum extension of the time can not exceed 30 days.*

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If there are more than three (3) variances requested, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 9-2.B. states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all six (6) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

3. Such conditions are peculiar to the particular piece of property involved.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

6. Provided that the Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for issuance of variance.

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS					
ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
A-R Agricultural-Residential (Single-Family)	Front - 100' Arterial Front - 100' Collector Front - 75' Local Side - 50' Rear - 75'	5 Acres	1,200 square feet	250'	35 feet Farm Outbuildings See 6-1., D., 7. .b.
EST Estate Residential District (Single-Family)	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2.5 Acres	3,000 square feet	160'	35 feet
R-85 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	3 Acres	3,000 square feet	125'	35 feet
R-80 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 30' Rear - 50'	3 Acres	2,500 square feet	175'	35 feet
R-78 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2 Acres	3,000 square feet	125'	35 feet
R-75 Single-Family Residential	Front- 100' Arterial Front- 75' Collector Front- 50' Local Side- 25' Rear- 50'	2 Acres	2,500 square feet	125'	35 feet
R-72 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear -50'	2 Acres	2,100 square feet	175' Arterial 175' Collector 150' Minor	35 feet
R-70 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 25' Rear - 50'	2 Acres	1,500 square feet	175' Arterial 175' Collector 150' Minor	35 feet
R-55 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 25'	1 Acre* 1.5 Acres**	2,500 square feet	150'	35 feet

	Rear - 50'				
FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS					
ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
R-50 Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30'	1 Acre* 1.5 Acres**	2,100 square feet	150' Arterial 150' Collector 125' Minor	35 feet
R-45 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 20' Rear - 40'	1 Acre* 1.5 Acres**	1,800 square feet	125'	35 feet
R-40 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30'	1 Acre* 1.5 Acres**	1,500 square feet	150' Arterial 150' Collector 125' Minor	35 feet
R-20 Single-Family Residential	Front - 60' Arterial Front - 60' Collector Front - 40' Local Side - 15' Rear - 30'	1 Acre* 1.5 Acres**	1,200 square feet	150' Arterial 150' Collector 125' Minor	35 feet
C-S Single-Family Residential	Front - 100' Arterial Front - 75' Collector Front - 50' Local Side - 20' Rear - 30'	1 Acre* 1.5 Acres**	2,100 square feet	150' Arterial 150' Collector 125' Minor	35 feet
DR-15 One and Two Family Residential	Front - 50' Arterial Front - 45' Collector Front - 40' Local Side - 10' Rear - 30'	1 Acre* 1.5 Acres**	1,200 square feet Single-Family 1,800 square feet Two-Family	125' Arterial 125' Collector 100' Minor	35 feet

FAYETTE COUNTY RESIDENTIAL ZONING DISTRICTS					
ZONING	ZONING	MINIMUM	MINIMUM	LOT WIDTH AT	MAXIMUM

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE	MAXIMUM HEIGHT
PUD-PEF Planned Unit Development – Planned Entertainment Farming	Front – 100' 500' from any A-R or residential zoning district	100 Acres			35 feet Farm Outbuildings See 6-1.,D., 7.,b.
PUD-POR Planned Unit Development – Planned Outdoor Recreation		50 Acres			35 feet

- * Where a central water distribution system and a private septic system are provided. (County water/septic)
- ** Where public water system is not available. (Well/septic)
- *** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)
- **** Subject to Development Plan

Minimum road frontage for residential zoned lots, including A-R: 100' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial A street designated to carry traffic within and through the county. (Major thoroughfare)

Collector A street designated to collect traffic from local or other collector streets. (Major thoroughfare)

Local A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

FAYETTE COUNTY NONRESIDENTIAL ZONING DISTRICTS					
ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	LOT WIDTH AT BUILDING LINE	BUFFER	MAXIMUM HEIGHT
O-I Office-Institutional	F- 75' Arterial F- 70' Collector F- 55' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	30' required adjacent to residential or A-R zoning districts	40 feet
C-C Community Commercial	F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	50' required adjacent to residential or A-R zoning districts	35 feet
C-H Highway Commercial	F- 75' Arterial F- 70' Collector F- 65' Minor S- 15' R- 15'	1 Acre* 0.5 Acres***	125'	50' required adjacent to residential or A-R zoning districts	35 feet
L-C Limited Commercial	F- 75' Arterial F- 60' Collector F- 55' Minor S- 15' R- 15'	1 Acre* 1.5 Acres**	125'	50' required adjacent to residential or A-R zoning districts	35 feet
M-1 Light Industrial	F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25'	1 Acre* 0.5 Acres***	125'	75' required adjacent to residential or A-R zoning districts	35 feet
M-2 Manufacturing and Heavy Industrial	F-100' Arterial F- 80' Collector F- 65' Minor S- 25' R- 25'	2 Acres	125'	75' required adjacent to residential or A-R zoning districts	35 feet

Buffer: When the rear or side yard abuts a residential or A-R zoning district, a buffer adjacent to the lot line shall be provided in addition to the required setback. The buffer is measured from the property line and the setback is measured from the

buffer.

- * Where a central water distribution system and a private septic system are provided. (County water/septic)
- ** Where public water system is not available. (Well/septic)
- *** Where a central sanitary sewage and central water distribution systems are provided. (County water/sewage system)

Minimum road frontage for non-residential zoned lots: 125' (unless on a cul-de-sac: 50' per lot for a total of four (4) lots)

Arterial	A street designated to carry traffic within and through the county. (Major thoroughfare)
Collector	A street designated to collect traffic from local or other collector streets. (Major thoroughfare)
Local	A street designated to carry primarily local or residential traffic. (Minor thoroughfare)

Updated 11/28/06